

702 - CITIZENSHIP LEAVE: WITNESS DUTY, JURY DUTY AND VOTING

Section 702.01 County Policy on Citizenship Leave

Full-time employees of Fort Bend County shall be granted leave with pay when it is necessary to be absent in order to fulfill citizenship obligations. Employees are required to give advance notice of an absence for citizenship obligations.

Citizenship obligations are:

1. WITNESS DUTY
2. JURY DUTY
3. VOTING

Section 702.02 Witness Duty

Employees who are requested or subpoenaed to serve as a witness in a trial, deposition or other legal action must show a copy of the subpoena or other appropriate documentation to their supervisor prior to the leave for Witness Duty. An employee will not be paid for Witness Duty if he/she is a litigant. Employees are expected to return to work as soon as practicable upon completing their responsibilities as a witness. Employees may be paid their regular wage for time spent fulfilling their witness obligations if taken in accordance with this policy.

Section 702.03 Jury Duty

Employees who receive a summons to attend Jury Duty (jury selection or trial) must provide advance notice to their supervisor along with a copy of their summons. On the day of the jury selection the employee should ask for a release indicating the time they were excused from the selection. If the employee is chosen as a juror, they must notify their supervisor immediately, and keep their supervisor advised of continuing jury obligations. Employees are expected to return to work as soon as practicable following their release from jury duty. Employees may be paid their regular wage for time spent fulfilling jury obligations if taken in accordance with this policy.

Section 702.04 Advance Notice

Employees who must be absent from work to fulfill citizenship obligations are required to follow the usual leave request procedures for their office or department, and provide a copy of the appropriate documentation to their supervisor.

Section 702.05 Voting

The Texas Election Code, Chapter 276.004, provides a penalty to employers who refuse to permit an employee to be absent from work for purposes of attending the polls to vote, or subjects the employee to penalty for attending the polls to vote on election day, unless the polls are open for two consecutive hours outside of the employee's shift. Therefore, Fort Bend County employees working such a shift on Election Day shall be allowed up to two hours paid leave on Election Day in order for the employee to vote. Employees should work with their supervisors to schedule time off to vote.

At the discretion of the Department Head or Elected Official, any Fort Bend County employee may be allowed reasonable opportunity to vote on Election Day if circumstances would make it difficult for the employee to attend the polls to vote outside of their scheduled shift on Election Day. Such reasonable leave should not exceed one to two hours and shall be paid if the employee requests and receives prior approval from the department head/elected official or designee.

Employees are encouraged to avail themselves of the convenience of early voting whenever possible.

Section 702.06
Timesheet
Documentation

Employees are required to include a note in the comments section of their timesheet specifying the type of citizenship leave taken – witness duty, jury duty, or voting. For witness duty and jury duty, supporting documentation (such as a summons, subpoena, or release form) must be scanned and attached to the timesheet. If the required documentation is not submitted, the absence will be charged to the employees accrued vacation or compensatory leave balances.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
July 20, 1993
Revised: September 30, 2003
Revised: November 20, 2012

703 - BEREAVEMENT LEAVE

Section 703.01 Bereavement Leave

At the discretion of the elected official/department head, full-time regular employees may be granted a maximum ~~of three business days of 24 hours of paid bereavement leave, limited to 8 hours per day~~ with pay for the purpose of planning or attending a funeral, or other related events, following the death of an immediate family member.

Bereavement leave may be granted by the elected official or department head with each qualifying event.

For the purpose of this policy, an immediate family member is defined as spouse, child, parent, sibling, grandparent, and grandchild. Bereavement leave may also be granted for the death of the parents and grandparents of an employee's spouse; and the employee's brother-in-law, sister-in-law, son-in-law and daughter-in-law. Step-relationships will be considered on a case by case basis.

If additional time is needed, an employee may request time using the following:

1. Vacation time
2. Comp time
3. Deferred time
4. Time off without pay

Bereavement leave must be taken in full-day increments; however, it does not have to be used consecutively. Bereavement leave must be used within two weeks of the bereavement.

Bereavement leave is not counted as hours worked for purposes of calculating overtime or compensatory time entitlement. There is no accrual of bereavement leave, and any unused bereavement leave will not be paid out upon termination of employment.

Section 703.02 Law Enforcement/EMS Colleague Bereavement Leave

In the event of the line-of-duty death of a law enforcement officer, emergency medical services (EMS) responder, or firefighter employed by the County, current law enforcement or EMS personnel who worked directly with the deceased may be granted bereavement leave to attend the funeral or memorial service.

Leave must be approved in advance by the employee's department head or elected official and is subject to the operational needs of the department. Paid time off granted under this section allows for a maximum of one paid bereavement day, not to exceed 8 hours.

Employees must note the reason for the absence in the comments section of their timesheet as:
Law Enforcement/EMS Colleague Bereavement

If additional time is needed, an employee may request time using the following:

1. Vacation time

2. Comp time

3. Deferred time

4. Time off without pay

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Commissioners Court

July 20, 1993

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715 - PAID PARENTAL LEAVE

Section 715.00 Purpose

The purpose of this policy is to support employees' work-life balance by providing full-time Eligible Employees with additional paid leave time for recovery from childbirth and/or to bond with and care for their new child. ~~Paid parental leave is available to Eligible Employees as set forth herein after the effective date of this policy.~~

Section 715.01 Paid Parental Leave (PPL)

Fort Bend County will provide up to six (6) weeks of Paid Parental Leave ("PPL") to eligible employees to bond and care for a child after the birth, adoption, or placement of a child for adoption. Eligible employees will receive up to three (3) weeks of PPL in the event of pregnancy/birth-related medical condition.

Section 715.02 Eligibility

Eligible employees must meet the following criteria:

1. Have been continuously employed with the County for 12 (twelve) months prior to the start of taking PPL.
2. Have worked a minimum of 1,250 hours during the 12 consecutive months immediately preceding the birth, adoption or placement for adoption. For purposes of this policy placement for adoption means foster-to-adopt placement or other placement of a child pending adoption as evidenced by a placement agreement or court action.
3. Be a full-time ~~or part-time~~, regular employee (part-time, temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

1. Be a new legal parent by birth or surrogacy of a child; or
2. Be the new adoptive parent of a child who is 17 years or younger; or
3. Be the foster parent to a new foster-to-adopt child who is 17 years or younger and placed with the foster parent; or
4. Be the prospective parent to a child who is 17 years or younger and who is placed with the prospective parent pending private adoption, as established by a legal court document establishing foster care placement.
5. Be the prospective parent or spouse of a prospective parent that recently experienced a miscarriage, stillbirth, or related medical condition.

This policy applies to a child that is newly added to the household through birth, surrogacy, adoption, or placement for adoption and not a child who has been a member of the household for over a year.

This policy also does not apply to the adoption of a stepchild by a stepparent. If both parents work for Fort Bend County, they may take a total combined 6 weeks of PPL.

Section 715.03 Amount and Use of Leave

Eligible employees are entitled to up to 6 (six) weeks of paid parental leave. Employees who are eligible for PPL under Section 715.02 condition five (5) are only entitled to up to three (3) weeks of paid parental leave. Approved Paid Parental Leave may be taken immediately preceding the birth, adoption, or placement of a child.

Employees will not receive more than the maximum allotted amount of Paid Parental Leave in a rolling 12-month period starting from the exhaustion of the previous approved Paid Parental Leave or the last day the employee used Paid Parental Leave, regardless of whether more than one birth, adoption, placement, or related event occurs within that 12-month time frame.

Fort Bend County observes a backward rolling calendar year for the purposes of Paid Parental Leave. During any given 12-month period, an employee may qualify for up to 6 (six) weeks of PPL.

For child bonding purposes, Paid Parental Leave must be used entirely before other forms of paid or unpaid leave are used after the birth, adoption, or placement of a child.

Paid Parental Leave must be taken consecutively with the Family Medical Leave Act.

Paid Parental Leave may not be used or extended beyond this 12-month time frame.

Employees must take Paid Parental Leave in one continuous period of leave; however, the 6 weeks of paid leave may be split into two segments within the 12-week FMLA leave period. Employees must provide this information to Human Resources when applying for the leave. unless the employee's Department Head allows the employee to use Paid Parental Leave intermittently.

Paid Parental Leave is compensated at the employee's regular rate of pay. Paid parental leave will be paid based on Fort Bend County scheduled pay dates. Any unused Paid Parental Leave is not compensable and will be forfeited at the end of the 12-month time frame or when an employee separates employment with Fort Bend County or transitions to an ineligible position, whichever occurs first.

Paid Parental Leave may not be used prior to the birth or placement even if the employee was granted FMLA unpaid leave or for periods prior to the birth or placement event.

**Section 715.04
Post-Paid Parental
Leave Employment**

Recipients of Paid Parental Leave must maintain full-time employment with Fort Bend County for at least 90 consecutive calendar days of continuous service immediately after the expiration of approved leave or reimburse Fort Bend County for the Paid Parental Leave funds received. Under limited circumstances Fort Bend County may elect to waive reimbursement, including when the recipient of paid parental leave involuntarily loses full time employment, such as in a reduction in force.

Fort Bend County shall be entitled to recover from the employee any Paid Parental Leave funds received if such employee does not return to work as a full-time, Regular Position Employee for at least 90 days of continuous service after receiving Paid Parental Leave.

**Section 715.05
If Both Parents Are
County Employees**

If both parents are County Employees and would be individually deemed eligible under Section 715.02, they may take a total combined 6 weeks of PPL.

**Section 715.06
Requesting Paid
Parental Leave**

Employees should notify their supervisor or Department Head/Elected Official and the Human Resources department of their intention to request Paid Parental Leave as soon as practicable and provide them with the anticipated start date and duration of the leave. Department Heads may delay PPL if advanced notice of the leave is not given.

To receive PPL, eligible employee must complete the necessary Paid Parental Leave Form and submit it to Human Resources at least (30) days prior to the proposed date of leave for the birth or adoption/placement.

The request must include appropriate medical documentation that the employee's use of PPL is directly connected to a birth, adoption, or placement of child for adoption. If the employee is eligible for FMLA leave, the FMLA leave requirements will govern, and the FMLA documentation provided will be used to verify eligibility.

If the employee is not eligible for FMLA leave, proof of the birth or placement of the child must be provided. The employee's name must be included as a legal parent on the birth certificate or legal document establishing paternity or establishing adoption/placement.

If HR or a Department Head requests additional documentation to verify eligibility for Paid Parental Leave, employees seeking PPL must submit requested documentation within thirty (30) calendar days of the request. Failure to do so may result in the denial of Paid Parental Leave or the employee reimbursing Fort Bend County for any PPL funds received.

**Section 715.07
Coordination with
Other Leave or
County Holidays**

Paid Parental Leave is designed to run concurrently with leave under FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to the adoption or foster care, the leave will be counted toward the 12 (twelve) weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave - whether paid or unpaid-granted to the employee under the FMLA exceed 12 (twelve) weeks during the 12-month FMLA period. Please refer to Policy 704 The Family and Medical Leave Act.

After the Paid Parental Leave period has been exhausted, the balance of FMLA leave (if applicable) will be compensated through the employees' accrued sick, vacation, and comp time. Upon exhaustion of accrued time, any remaining leave will be unpaid leave. Please refer to Policy 704 The Family and Medical Leave Act.

~~An employee who takes Paid Parental Leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on Paid Parental Leave as if the employee was on an FMLA-qualifying leave.~~

The County will maintain all applicable benefits for employees during the Paid Parental Leave period. Employees will be responsible for adherence to all County benefit policies.

If a company holiday occurs while the employee is on Paid Parental Leave, such day will be charged ~~holiday-paid parental pay; however, such holiday pay will not extend the total paid-parental leave entitlement.~~

If any provisions of this Policy conflict with another applicable federal, state or local leave law, then the employee will be entitled to the benefits and protections of whichever is more generous to the employee.

**Section 715.08
Accommodations:
Pregnancy,
Childbirth,
Related
Conditions**

Employees or applicants affected by pregnancy, childbirth, or related medical conditions may seek a reasonable accommodation regarding term of leave for limitations related to pregnancy, childbirth, or related medical conditions. Accommodations that cause an undue hardship on operations may be denied

**Section 715.09
Return to Work**

The birth parent must obtain a return-to-work statement from the health care provider and present it to their supervisor or Department Head/Elected Official and the Human Resources department prior to or upon returning to work.

**Section 715.10
Payroll Requirements**

An Employee Action Form (EAF) must be submitted to the Payroll Department at least one pay period before the leave start date unless unforeseen circumstances prevent advance notice. The EAF must include the following information for Payroll to add the appropriate code to the employee's pay code selection:

- Reason: Paid Parental Leave
- Comments: HR must include the number of hours approved

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
Effective January 23, 2024

707 - ADMINISTRATIVE **PAID** LEAVE AND SUSPENSION WITHOUT PAY

Section 707.01 Administrative **PAID** Leave

~~At the discretion of APL only provides temporary paid status for full-time employees removed from duty pending an internal investigation. The supervising the elected official or department head may place an employee on administrative paid leave, an employee may be placed on administrative leave, which temporarily suspends the employee from performing all job duties. Administrative leave may be appropriate when the elected official or department head believes immediate action is necessary to protect an employee and/or the public, and/or needs additional time to investigate an employee's performance or behavior.~~ The elected official or department head must give an employee written notice of the reason and estimated duration of the leave. At the same time, the elected official or department head must complete an Employee Action Form (EAF) citing 'Administrative Paid Leave-pending investigation' in the comments field, and route it to Human Resources. Human Resources will promptly provide Payroll with the approved EAF for processing.

~~The length of an Administrative paid leave should be limited in duration-kept to a minimum, typically ranging from between one to and five days absent extenuating circumstances. In some situations the leave may be for longer duration while awaiting the outcome of an investigation or legal proceeding. Administrative paid leave lasting more than 3 months shall require the approval of Commissioners Court. Departments must submit all relevant information and written justification supporting the extension as part of the request.~~

While on administrative **paid** leave, an employee will be paid a maximum of 8 hours per day and 40 hours per week his or her base wages, and medical benefits will be continued at active employee rates. Periods of paid leave shall not count as hours worked for purposes of computing overtime. An employee on administrative **paid** leave must contact his or her supervisor weekly, and remain available to return to duty with 12 hours' notice.

Section 707.02 Suspension Without Pay

For administrative **paid** leave lasting one or more full pay periods, no paid leave shall be accrued and no longevity or supplemental pay shall be paid. If an employee is returned to duty, he or she shall receive full credit for any foregone accruals, and will be reimbursed for foregone longevity and supplemental pay. However, if an employee does not ~~return to duty-resume their employment~~ for any reason, the accruals and payments shall be forfeited. Further, any accrued time other than sick leave that the employee has on the books will be applied retroactively to the time spent on administrative leave.

Section 707.03 Employee Benefits During Suspension Without Pay

At the discretion of the elected official or department head, non-exempt employees may be disciplined by a suspension without pay. A suspension without pay means the employee is relieved of all job duties for the period of the suspension.

A suspension without pay for an exempt employee must be for periods of one (1) or more **full** days. Exempt employees may be suspended without pay for serious infractions of workplace conduct rules, but not for performance or attendance issues.

Employees on suspension may be required to contact their supervisor weekly. Employees may not substitute accrued paid leave for periods of unpaid suspension.

During a suspension without pay for one or more full pay periods, an employee shall accrue no paid leave, and will not receive longevity or supplemental pay. The employee must coordinate payment of medical and dental benefits with the Risk Management Department.

**Section 707.04
Reinstatement**

If the need to fill the position should arise due to unforeseen circumstances, or if the job is eliminated due to a reduction in force, Fort Bend County does not guarantee the reinstatement of an employee on Administrative Paid Leave or Suspension Without Pay at the end of the suspension period.

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